

TOGUT, SEGAL & SEGAL LLP  
One Penn Plaza, Suite 3335  
New York, New York 10119  
(212) 594-5000  
Albert Togut  
Neil Berger  
Minta J. Nester

*Attorneys for the Chapter 7 Trustee*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
In re:	:	Chapter 7
	:	
KOSSOFF PLLC,	:	Case No. 21-10699 (DSJ)
	:	
Debtor.	:	
	:	
-----	X	
ALBERT TOGUT, Not Individually but Solely in His	:	
Capacity as Chapter 7 Trustee of the Estate of Kossoff	:	
PLLC,	:	
	:	Adv. Pro. No. 23-01069 (DSJ)
Plaintiff,	:	
	:	
v.	:	
	:	
WILLIAM ROSENBLATT,	:	
	:	
Defendant.	:	
-----	X	

**SCHEDULING ORDER**

**The parties cannot amend this order absent an order of the Court. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTION. If delay or other act or omission of your adversary may result in a sanction against you, it is incumbent on you to promptly bring this matter to the Court for relief.**

It is hereby ORDERED as follows:

1. **Discovery.** All discovery shall be completed by **March 23, 2024**. In the event of a dispute over discovery, the parties shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the parties

about their prior efforts to resolve the dispute.

- a. Initial Disclosures. The parties shall exchange initial disclosure pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure (the “Civil Rules”), made applicable by Rule 7026 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), by no later than **September 28, 2023**.
- b. Fact Discovery. All fact discovery completed by **January 23, 2024**.
  - i. Each party must serve written discovery requests no later than **October 5, 2023**.
  - ii. Parties’ document production shall be complete no later than **November, 30, 2023**.
- c. Expert Discovery. All expert discovery shall be completed by **March 23, 2024**.
  - i. No later than thirty days prior to the completion of fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, stipulations, production of underlying documents, rebuttal reports, if any, and depositions.
  - ii. The parties shall complete and exchange expert reports on each issue where they have the affirmative burden of proof within fourteen days after the close of fact discovery.
- d. The parties are to conduct discovery in accordance with the Civil Rules, the Bankruptcy Rules, and the Local Rules of the United States Bankruptcy Court for the Southern District of New York.

2. **Summary Judgment**. Either or both parties may seek leave under the Local Bankruptcy Rules to move for summary judgment under Fed. R. Bankr. P. 7056 after completion of discovery and before taking the steps set forth in paragraphs 3-6 below. If such request is granted, the parties shall schedule the adjourned pre-trial conference to take place approximately one month after the scheduled hearing on summary judgment.

3. **Pre-trial Conference**. The Court will hold a pre-trial conference on April 17, 2024 at 10:00 A.M. (unless a party has previously obtained permission under the Local Bankruptcy Rules to move for summary judgment, which motion shall be heard at that date and time). **At that conference, the Court will set deadlines for the completion of the pre-trial preparation described below, and will schedule a final pre-trial conference and trial date.**

4. **Exhibits**. In advance of the final pre-trial conference, the parties shall have conferred and used their best efforts to agree on a joint exhibit book and shall have identified any

exhibits whose admissibility is not agreed.

5. **Proposed Witness List.** In addition, on or before two weeks before the final pre-trial conference, the parties shall have exchanged proposed witness lists.

6. **Pre-trial Submissions.** On or before one week before the scheduled trial date, the parties shall (a) submit to chambers declarations under penalty of perjury or affidavits of their direct witnesses, who shall be present at trial for cross-examination and redirect, or have sought the Court's permission to examine direct witnesses at trial and (b) submit to chambers the joint exhibit book referred to in paragraph 4 hereof.

Dated: New York, New York  
September 25, 2023

*s/ David S. Jones*  
\_\_\_\_\_  
HONORABLE DAVID S. JONES  
UNITED STATES BANKRUPTCY JUDGE